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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-059

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

1. Statutory Authority

a. Section 38.33 (1), Stats., requires faculty development programs supported by grants under the section to promote all of the following:

- (1) Instruction awareness of and expertise in a wide variety of newly emerging technologies.
- (2) The integration of learning technologies in curriculum and instruction.
- (3) The use of instructional methods that involve emerging technologies.

However, the rule does not directly require the board to award grants that “promote” or include all of the components set out in the statutes. Although compliance with the statute may be implied from the general language of the rule, the agency should consider making compliance an explicit part of the grant award criteria (s. TCS 15.05) and the conditions of the grant award (s. TCS 15.06).

b. Section TCS 15.03 (2) provides in part that a board-prepared manual must contain application instructions, procedures and requirements for funding and submitting grant proposals. Further, s. TCS 15.06 (4) provides that the board may establish limitations in the manual regarding the percentage of the grant funds and matching funds that may be used to lease or purchase equipment or to purchase supply items. To the extent that portions of the manual impose “requirements” or other criteria that may affect the size of a grant to a district, or

whether a grant will be made at all, and to the extent that those portions of the manual do not merely repeat provisions in ch. TCS 15, they should be promulgated as administrative rules under ch. 227, Stats.

2. Form, Style and Placement in Administrative Code

a. In s. TCS 15.04 (4) (intro.), (a) (intro.) and (b) (intro.), the phrase “all of the following” should precede the colon.

b. The effective date section of the rule refers to “this emergency rule”; the reference should be to “this rule.” [See s. 227.22, Stats.]

4. Adequacy of References to Related Statutes, Rules and Forms

Section TCS 15.07 (2) refers to a form provided by the board. The board should ensure that the requirements of s. 227.14 (3), Stats., are met.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. TCS 15.04 (1), for purposes of consistency, the phrase “districts may submit proposals” should be replaced by the phrase “a district may submit a proposal.”

b. In s. TCS 15.05 (4), the reference to “continuing project” is not clear. If the reference is intended to apply to a faculty development program, then the reference should be to a “program,” not a “project.” Further, the phrase “prior year planned outcomes” could then be replaced by a reference to the “goals and objectives” of the program.

c. Section TCS 15.06 (1) states that a district may not apply for more than the amount of funds targeted to it by the board. How does this targeting take place? How is a district informed?

d. In s. TCS 15.06 (2), district boards are required to contribute “a matching fund” equal to at least 50% of the total amount. It would appear that to be grammatically consistent with the rest of the rule and to avoid confusion, the phrase “matching funds” should be used instead of “a matching fund.” Further, it is not clear how a district will know how much to budget for matching funds before the board awards the grants. This may need to be clarified.

e. Under s. TCS 15.07, the agency may wish to clarify that the “January 15” report referenced in s. TCS 15.07 (2) is the “mid-year” report referred to in s. TCS 15.07 (1) and that in those same subsections, the “August 1” report reference is intended to be the “final grant evaluation.”

f. An “initial applicability” section for the rule would assist in assuring a clear transition between grants awarded under the emergency rule and those awarded under this rule.